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FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

DOCKET NO. 1849

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE C.H. ROBINSON WORLDWIDE, INC., OVERTIME PAYLITIGATION

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,\* KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

# TRANSFER ORDER

Before the Panel is a motion brought, pursuant to 28 U.S.C. § 1407, by plaintiffs in the 100 actions listed on Schedule A and two additional actions for coordinated or consolidated pretrial proceedings of these actions in the Northern District of Illinois or, in the alternative, the District of Minnesota. Lone defendant C.H. Robinson Worldwide, Inc. (CHRW) opposes the motion. After their initial submissions to the Panel, all parties filed a joint pleading with the Panel requesting transfer for the limited purpose of obtaining settlement approval in the Northern District of Illinois or, alternatively, the District of Minnesota.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve one or more common questions of fact, and centralization under Section 1407 in the District of Minnesota will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The actions involve similar allegations that certain employees of CHRW are entitled to compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, et seq. Centralization under Section 1407 is necessary in order to conserve the resources of the parties, their counsel and the judiciary, particularly with respect to settlement approval. We decline to circumscribe the breadth of the pretrial proceedings as requested by the parties, instead leaving such matters to the discretion of the transferee judge. Whenever the transferee judge deems remand of any

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<sup>\*</sup> Judge Miller took no part in the decision of this matter.

<sup>&</sup>lt;sup>1</sup> Plaintiffs initially included 102 actions in their motion, but later amended the schedule to exclude the 28 Northern District of Illinois actions that were closed and pending transfer under 28 U.S.C. § 1404(a) at that time. Two of these actions remain in that status. Because all parties are represented by common counsel and have filed pleadings stating their positions before the Panel, 100 actions are encompassed by this order. The remaining two actions will be treated as potential tag-along actions. *See* Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

may be accomplished with a 123114

claims or actions appropriate, procedures are available whereby this may be accomplished with a minimum of delay. See Rule 7.6, R.P.J.P.M.L., 199 F.R.D. at 436-38.

We are persuaded that the District of Minnesota is an appropriate transferee forum for this docket. This is the district in which approximately one-fourth of the actions are now pending. Also, the transferee judge to whom we are assigning this litigation has developed a familiarity with the issues, parties, and counsel involved in these actions through presiding over two related actions for the past five years.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Minnesota are transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable Joan N. Ericksen for coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

FOR THE PANEL:

Wm. Terrell Hodges Chairman

#### SCHEDULE A

# MDL-1849 -- In re C.H. Robinson Worldwide, Inc., Overtime Pay Litigation

### Northern District of Alabama

Donna Eddy, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:06-4926 O7-3424 Jacqueline Burt, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-630 O1-3425 Brenda Mitchell, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-730 O7-3426

#### Eastern District of Arkansas

Tammy L. Gately, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-290 57-3427

# Central District of California

Mimi Vuong v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1428 07-3428 Nancy Austin, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-301 07-3424 Kent Alles, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-571 07-3430

#### Eastern District of California

Gladys Garcia, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-157 O7-3431 Scott D. Hyder, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-665 O7-3432

#### Northern District of California

Kimberly Elam, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-475 07-3433

# Southern District of California

Bryce A. Amburn, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-650 57-3434

District of Colorado

Mari A. Danielson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-602 07-3435

#### Middle District of Florida

Natesha M. Hyde v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-208 67-3436 Tracy L. Buglione, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-228 67-3437

### Southern District of Florida

Celeste A. Hernandez, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-60504 07-3438 Maria Teresa Diaz, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-21033 01-3439

# Northern District of Georgia

Terri Kuvach, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-328 C7-3440 Lynn A. Amorose, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-951 C7-3441

#### Central District of Illinois

Heidi Michelle Poepsel v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-1101 07-3442

### Northern District of Illinois

Evelyn Sparks, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6461 07-3443

Angela L. Jacobson v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6465 07-3444

Anne K. Ciaglia, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6507 07-3445

Joann M. McGill, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6510 07-3446

Craig Bowen, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6516 07-3447

Lynette DiNova, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6545 07-3448

Joanna Elke, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6552 07-3449

Roy Rogenic, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6553 07-3450

Michael Blackburn v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6563 07-3450

Sharon K. Dodson-McDonald, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6581 07-3453

Brendan M. Clarke, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6582 07-3454

Leslie Nemelka, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6623 07-3454

Leslie Nemelka, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-6630 07-3456

#### Southern District of Indiana

Catherine A. Wilcox v. C.H. Robinson Worldwide, Inc., C.A. No. 3:06-197 07-3457

#### Southern District of Iowa

Arlene J. Murray, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-141 67-3458

#### District of Kansas

Kimberly K. Bethel, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-2129 O7-3459 Lisa M. Quigley, et al v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-1063 O7-3460

### Eastern District of Louisiana

Morgan J. Wood, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1269 07-3462

### Western District of Louisiana

Richard Cahn, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-776 07-3463

### District of Massachusetts

Cheryl D. Braithwaite, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:06-12278 07 3464

# Eastern District of Michigan

Carla M. Strugala v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-10767 07-3465

Jennifer L. Alfano, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-11604 07-3466

#### Western District of Michigan

Susan J. McGowan, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-361 @7-3467.

### District of Minnesota

Jamie L. Benner, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4640 Justin Accola, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4643 Jeffrey Cichosz, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4644 William F. Holmberg, Jr. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4645 Elizabeth Marianne Buck, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4646 Penny M. Cantazaro, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4647 Kathy Cota, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4648 Jill K. East, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4649 Kathleen L. Hambleton, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4650 Elizabeth Hopp v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4651 Joann F. Larson v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4652 Kelley S. Lyons, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4653 Kimberly M. Martineau, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4654 Sandra Steinmetz, et al. v.C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4655 John Gino Giovannoni v. C.H. Robinson Worldwide, Inc., C.A. No. 0:06-4960 Sally J. Dowden, et al., C.H. Robinson Worldwide, Inc., C.A. No. 0:07-89 Amelia M. Alfaro, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-90 Jennifer L. Alfano, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-251 Claudia Alicia Martinez, et al. v.C.H. Robinson Worldwide, Inc., C.A. No. 0:07-542 Jennifer N. Mcinnis v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-544

# District of Minnesota (Continued)

Beth Shaw, et al v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-595

Shannon Davis v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1119

Esther Nevarez, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1563

Nora Hageman, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1870

Patricia A. Parrish, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-1912

Shannon D. Anderson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-2749

Christopher L. Sims, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 0:07-2878

#### Eastern District of Missouri

Heather Lee Markle, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-428

Western District of Missouri

Leslie D. Birdwell, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-3193 07-3469

District of Montana

Jason S. Galloway v. C.H. Robinson Worldwide, Inc., C.A. No. 9:07-45 07-3470

District of Nebraska

Sharon Haack v. C.H. Robinson Worldwide, Inc., C.A. No. 8:07-130 07-3471

District of New Jersey

Christine M. Doto, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1382 O1-3472

District of New Mexico

Dirk Keisesr, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-392 07-3473

Debra J. Wentworth v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-145 07-3474

Northern District of New York

Laura J. Jeneault, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-656 07-3475

#### Western District of New York

- Timothy W. Baierlein, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 1:07-182 07-3476

  Western District of North Carolina
- LaToya R. McCants, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-252 07-3477

  Northern District of Ohio
- Julie Gallagher, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-846 57-3478

  Western District of Oklahoma
- Timothy J. Bumgarner, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-278 O7-3479

  District of Oregon
- Allison M. Cassie, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-333 07-3480

  Eastern District of Pennsylvania
- Richelle Maki, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1238 07-3481 Jennifer L. Walker, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-1355 07-3482

# Western District of Pennsylvania

- Wallace Kip Guenther, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-495 © 7-3483

  District of South Carolina
- Rodney Brewer, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:06-3595 07-3485 Erika DeRoberts, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 6:07-958 07-3486

# District of South Dakota

- Angela K. Smoot v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-4038

  Eastern District of Tennessee
- Carolyn Baker Hall, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-46 07-3489

### Middle District of Tennessee

- Kari S. Johnson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-454 O7-3490

  Western District of Tennessee
- Rhea L. Nadler, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-2228 © 1-3491

  Eastern District of Texas
- Aaron Smith, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 4:07-1 07-3492

  Northern District of Texas
- Stephanie Smith, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-409

  Western District of Texas
- Adelita Dickson, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 5:07-186 07-3494

  District of Utah
- Jason K. Bergquist, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-262 67-3495

  Eastern District of Virginia
- Thea Winterbottom, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 3:07-390 87-3496

  Eastern District of Washington
- Kim M. Flowers, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-104 07-3497

  Western District of Washington
- Wendy L. Ferger, et al. v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-705 O7-349 & Eastern District of Wisconsin
- Kelly K. Hoell v. C.H. Robinson Worldwide, Inc., C.A. No. 2:07-267 07-3499